

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78635 of 2019

Arising Out of PS. Case No.-496 Year-2018 Thana- NARPATGANJ District- Araria

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UMESH MARIK S/o Late Chhutaharu Marik R/o village- Basmatiya, Ward
No.- 06, P.S.- Narpatganj (Basmatiya O.P.), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner who is languishing in jail since
13.10.2019 has preferred the present application for grant of bail
in connection with Narpatganj P.S.Case No.496 of 2018
registered for the offences punishable under Sections 302, 201
and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of
Mahesh Kodagia dated 18.08.2018 before the SHO of
Basmatiya (O.P.), Narpatganj is to the effect that the sister of the
informant was married with the petitioner 16 years prior to the
lodging of the present case and they were blessed with three
children. Thereafter, all the accused persons including the



petitioner started torturing the sister of the informant. On 17.08.2018, the son of the informant's sister came and informed the informant that all the accused persons including the petitioner have killed the informant's sister by throttling and they are preparing to dispose the dead body. Subsequently, in the night of 18.08.2018, the informant reached at his sister's in-law's house and found his sister's dead body lying on the floor with injury mark on neck.

It is submitted by learned counsel for the petitioner that the informant is not an eye witness to the alleged occurrence. In fact, the victim herself committed suicide. The postmortem report suggests the cause of death as asphyxia caused by strangulation. The investigation has already been concluded and similarly situated co-accused has already been granted bail by a different Co-ordinate bench of this Court vide order dated 06.05.2019 passed in Cr.Misc.No.28988 of 2019 and other co-accused have also been granted anticipatory bail by a different Co-ordinate bench of this Court passed in Cr.Misc.No.27408 of 2019 vide order dated 17.07.2019.

It is submitted by learned counsel for the State that the thrust of accusation is against the petitioner, being the husband of the informant.



On perusal of the case diary, it appears that all the witnesses have suggested that the petitioner used to threat his wife.

Considering the thrust of the accusation against the petitioner being the husband of the deceased, I am not inclined to grant bail to the petitioner. Hence, prayer for bail is rejected.

However, the petitioner would be at liberty to renew his prayer for bail, if the trial will not be concluded within a period of seven months.

(Dinesh Kumar Singh, J)

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